

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 19, 2011

In the Matter of J. D. BRADSHAW, Minor.

No. 302439

Macomb Circuit Court

Family Division

LC No. 10-000256-NA

Before: MURRAY, P.J., and FITZGERALD and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j).¹ We affirm.

Respondent has offered no argument that the trial court's findings regarding each of the statutory grounds for termination were clearly erroneous in light of the evidence presented. He claims only that termination was improper because he was not provided with services for reunification. We disagree.

"Reasonable efforts to reunify the child and family must be made in all cases" except those cases involving exceptional circumstances not present here. MCL 712A.19a(2); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). If a respondent is available and willing and able to accept services designed to rectify the problems that led to the child becoming a temporary court ward, the petitioner's failure or refusal to provide such services can preclude a finding that the respondent was unlikely to rectify the conditions that led to the adjudication or to be able to provide proper care and custody within a reasonable time. *In re Newman*, 189 Mich App 61, 66-68; 472 NW2d 38 (1991). The record shows that petitioner prepared a schedule of services to be provided to respondent to facilitate reunification. It was presented to respondent at the pretrial hearing, but he refused to sign it. Despite diligent attempts to involve respondent in reunification services, petitioner was never able to make contact with him thereafter. Respondent took little interest in the proceedings. He appeared for only one pretrial hearing and contacted the agency only three times during the nine months the case was pending. He provided no address other than his mother's, but was in and out of that home at irregular

¹ Contrary to what respondent asserts, the record does not indicate that the trial court terminated his parental rights under MCL 712A.19b(3)(c)(i) or (m).

intervals. He knew that visitation was conditioned on three consecutive negative drug screens, but petitioner could never reach him to schedule any screens and respondent never offered to submit to screening. At the time of the termination hearing, no one had heard from respondent for a month. There is nothing in the record to show that petitioner failed to make reasonable efforts to reunify the family. Rather, it was respondent who failed to take advantage of the reunification services available to him. The trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Amy Ronayne Krause